

## REMARKS

Applicant appreciates the detailed examination evidenced by the final Office Action mailed June 5, 2006 (hereinafter "Office Action"). Applicant also appreciates the indication of allowable subject matter in Claims 12-14. Accordingly, Applicant has amended these claims to independent form incorporating the recitations of the claims from which they depend, thus placing Claims 12-14 in condition for allowance. Applicant has also amended Claims 6, 8, 19 and 21 to independent form incorporating the recitations of respective ones of independent Claims 1 and 15 from which they previously depended, and has canceled Claims 1, 9-11 and 15. Claims 2-5 and 7 have been amended to depend from now independent Claim 6. Claims 16-18 and 22 have been amended to depend from now independent Claim 21. Applicant requests entry of these amendments as they raise no new issues and place the claims in condition for allowance and/or better form for consideration upon appeal. Applicant requests reconsideration of the rejection of Claims 6, 8, 19 and 21 for the reasons discussed below.

### Independent Claims 6, 8, 19 And 21 Are Patentable Over Park And Lee

Claims 6, 8, 19 and 21 stand rejected under 35 U.S.C. §103 as being unpatentable over Park and Lee. Applicant submits that Claims 6, 8, 19 and 21 each include recitations that are neither disclosed nor suggested by Park and/or Lee. For example, independent Claim 6 recites:

An uninterruptible power supply (UPS), comprising:  
a UPS circuit operative to selectively supply power to an external load coupled to an output of the UPS from first and second power sources;  
a display operatively coupled to the UPS circuit and operative to display textual and/or graphical information pertaining thereto;  
a backlight circuit coupled to the UPS circuit and operative to provide *different backlightings of the display to indicate respective states of the UPS circuit*; and  
wherein the backlight circuit is operative to provide *a first backlighting of the display to indicate the UPS circuit powering the load from a primary power source* and to provide *a second backlighting of the display to indicate the UPS circuit powering the load from a backup power source*.

*(Emphasis added.)*

Claim 19 includes similar recitations.

The Office Action asserts that Lee teaches a backlight circuit "operative to provide different backlighting intensities (read on by luminescence levels) of a display (50) to indicate respective states of the UPS circuit (read on by the charge level of the circuit)." Office Action, page 4. Applicant agrees that Lee does discuss controlling backlighting luminescence, but this control does not involve using respective backlighting to *indicate UPS states*. Rather, Lee describes controlling backlighting to obtain an "optimal luminescence level" (Lee, column 3, lines 54-58), which is later indicated as a level that minimizes power consumption and thereby prolongs battery life (*see* Lee, column 8, lines 29-31). Nowhere does Lee disclose or suggest that the backlighting luminescence control therein may be used to indicate anything.

The Office Action erroneously assumes that because Lee describes different luminescence levels for different battery levels, these levels would be perceptible to a user as an indication of the battery state. This simply is not disclosed or suggested in Lee. The Office Action is, thus, engaging in hindsight reconstruction, which is not in keeping with the requirements for proving obviousness under §103.

In particular, the Office Action asserts "the difference in the intended use of Lee and that of Applicant does not provide patentability as all of the structural limitations are met." Office Action, page 3. This is incorrect for at least the reasons discussed above. It is not the difference in intended use that Applicant is arguing. Rather, Applicant submits that the Office Action is reading into Lee teachings that are actually not present, i.e., there is nothing in Lee that teaches that the luminescence levels described therein could be used to indicate anything.

The Office Action further alleges that Lee teaches "the backlight circuit operative to provide a first backlighting of the display responsive to the UPS circuit powering the load from a primary source and to provide a second backlighting of the display responsive to the UPS powering the load from a backup power source (See Column 8, Lines 24-35)." As discussed above, Lee does not disclose or suggest using backlighting to indicate anything. Moreover, Lee describes, in the above cited and subsequent sections, that when an AC adaptor is not connected and the battery is provided as the power source, an automatic luminescence control routine is executed by the microcontroller. The automatic luminescence control routine appears to operate such that if the battery voltage is higher than

the previously established voltage needed for the current luminescence level then a timer interrupt is cleared and the logic repeats (Lee, column 8, lines 24-44 and Figure 5, steps S530-S580). In this scenario described in Lee, the backlighting luminescence does not change regardless of the power source. Thus, Lee also does not disclose or suggest that the backlighting luminescence is responsive *to indicate the UPS powering the load from a primary power source and a backup power source*, as recited in Claim 6.

Regarding Park, the Office Action states that Park "fails to explicitly teach the use of backlighting to indicate respective states of the UPS circuit." Office Action, page 4. Applicant agrees. Applicant respectfully submits that for at least these reasons, the combination of Park and Lee do not disclose or suggest all recitations of Claim 6 and therefore Claim 6 is patentable over Park and Lee. At least similar reasons support the patentability of Claim 19.

Claims 8 and 21 are also patentable for at least similar reasons. In addition, Claim 8 recites, in part:

wherein the backlight circuit is operative to provide a first backlighting of the display *to indicate a normal operating state* of the UPS circuit, to provide a second backlighting of the display *to indicate a cautionary state* of the UPS circuit, and to provide a third backlighting of the display *to indicate an alarm state* of the UPS circuit.

*(Emphasis added.)*

Claim 21 includes similar recitations.

The Office Action states that Lee teaches "a third backlighting of the display responsive to the UPS circuit detecting an impending failure of the backup power source, read on by a low battery in which the luminescence level is set to 0, an alarm state as well as a first state (level 7) to a normal operating state of the UPS circuit, and a second state (level 4) responsive to a cautionary state of the UPS (See Column 8, Lines 24-35 & Table 1)." Office Action, page 4. In accordance with the discussion above, Lee does not describe controlling the backlighting luminescence for any "indicating" purpose, including controlling the backlighting luminescence in a manner that indicates various states of a UPS circuit. Further, Lee does not disclose or suggest using backlighting luminescence to indicate normal, cautionary, and alarm states, as recited in Claim 8. Thus, Lee does not disclose or suggest backlighting that *indicates a normal operating state, a cautionary state, and an alarm state*

of the UPS circuit, as recited in Claim 8. Accordingly, the cited combination of Lee and Park also does not disclose the above quoted recitations of Claim 8 or corresponding recitations of Claim 21.

For at least these additional reasons, Applicant respectfully submits that Park and Lee do not disclose or suggest all of the recitations of independent Claims 8 and 21. Accordingly, Applicant submits that Claims 6, 8, 19 and 21 are patentable over the combination of Park and Lee.

**Dependent Claims Are Patentable**

Applicant submits that dependent Claims 2-5, 7, 16-18, 20 and 22 are patentable at least by virtue of the patentability of the various ones of independent Claims 6, 8, 19 and 21 from which they depend. Applicant further submits that several of the dependent claims are separately patentable, but, for the sake of brevity, Applicant reserves the right to discuss these reasons in future communications, if necessary.

In re: Brian R. Young

Serial No.: 10/623,929

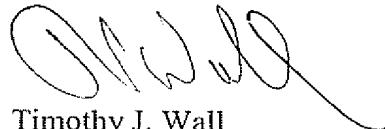
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Page 11

### Conclusion

Applicant submits that all of the claims are now in condition for allowance for at least the reasons discussed above. Applicant, therefore, respectfully requests allowance of the claims and passing of the application to issue in due course. Applicant urges the Examiner to contact Applicant's undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,



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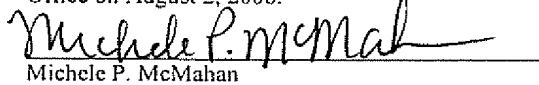
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I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on August 2, 2006.

  
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